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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,372	04/08/2004	Hassan Asadi	4452-639	7627

27799 7590 02/17/2005

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NEW YORK, NY 10176

EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,372

Applicant(s)

ASADI ET AL.

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/8/04; 7/19/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

1. Acknowledgment is made in the receipt of the information disclosure statements filed April 8, 2004 and July 19, 2004, the oath filed July 19, 2004, and the priority papers filed April 8, 2004.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The phrase "means" in line 5 should be removed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 77 03 395.

Re-claim 1, DE '395 discloses a piston cylinder assembly comprising : a cylinder 2, a piston rod guide 5, a radially inward projection 12 is adjacent the rod guide; a piston rod 3 and a piston 4; a stop disk 9 is mounted on the piston rod, the stop disk will impact and rest against the

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projection 12 in the event of fire, a fire event will expand the piston rod outwardly resulting in the impact of the disk with the projection.

Re-claims 2 and 3, a non-throttling passage 16 is located on the piston rod side working chamber; the stop disk is interpreted as a component of a piston valve.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,263,488 to Freitag et al.

Re-claim 1, Freitag et al. discloses a piston cylinder assembly comprising: a cylinder 1, a piston rod guide 4, a radially inward projection 12/32 is adjacent the rod guide; a piston rod 2 and a piston 3; a stop disk 11 is mounted on the piston rod, the stop disk will impact and rest against the projection 12/32 in the event of fire, due to expansion.

Re-claims 2 and 3, a non-throttling passage is located on the piston rod side working chamber; the stop disk is interpreted as a component of a piston valve.

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,862,893 to Volpel.

Re-claim 1, Volpel discloses a piston cylinder assembly comprising : a cylinder 15, a piston rod guide 19, a radially inward projection 27 is adjacent the rod guide; a piston rod 13 and a piston 17; a stop disk (not labeled, interpreted as the disk element adjacent the piston) is mounted on the piston rod, the stop disk will impact and rest against the projection 27 (see figure 2) in the event of fire, due to expansion.

Re-claims 2 and 3, a non-throttling passage is located on the piston rod side working chamber; the stop disk is interpreted as a component of a piston valve.

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Re-claims 4 and 5, a tension stop 29 is positioned between the stop disk and the piston rod guide 19; the tension stop is made of an elastomeric material, see column 3 lines 32-34.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schnitzius and Smith et al. teach a piston cylinder assembly having a projection acting as a stop surface. Yamaoka et al. and McCandless teach a piston cylinder assembly having an elastic tension stop element adjacent a plate attached to the piston rod.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346 (after April 2005 the new telephone number will be 571-272-7128). The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at (703) 308-3668 (after April 2005 the new telephone number will be 571-272-7099). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

February 16, 2005

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Williams

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2-16-05